
SENATE BILL No. 19

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-45-4-6.

Synopsis: Invasion of privacy by photography. Establishes the crime of invasion of privacy by photography, a Class A misdemeanor. Provides that the crime is committed if a person, with the intent to: (1) gratify the person's sexual desires; (2) humiliate or embarrass the victim; or (3) publish, transmit, or disseminate the photograph; surreptitiously photographs the private area of an individual under circumstances in which a reasonable person would believe that the individual's private area would not be visible to the public. Increases the penalty to a Class D felony if the person knowingly or intentionally publishes, transmits, or otherwise disseminates the photograph. (The introduced version of this bill was prepared by the criminal law and sentencing policy study committee.)

Effective: July 1, 2011.

Wyss, Steele

January 5, 2011, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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SENATE BILL No. 19



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-45-4-6 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2011]: **Sec. 6. (a) As used in this section, "private area" means**
- 4 **the naked or undergarment clad genitals, pubic area, or buttocks**
- 5 **of an individual.**
- 6 **(b) A person who, without the consent of the individual:**
- 7 **(1) knowingly or intentionally:**
- 8 **(A) surreptitiously photographs, video records, or captures**
- 9 **a digital image of the private area of an individual by**
- 10 **means of camera, a video camera, or any other type of**
- 11 **video recording device, whether or not the photograph,**
- 12 **video, or image is permanently saved; or**
- 13 **(B) performs an act described in clause (A) under**
- 14 **circumstances in which a reasonable person would believe**
- 15 **that the individual's private area would not be visible to**
- 16 **the public; and**
- 17 **(2) performs the act described in subdivision (1) with the**



1 **intent to:**
2 **(A) gratify the sexual desires of the person;**
3 **(B) humiliate or embarrass the individual; or**
4 **(C) publish, transmit, or otherwise disseminate the**
5 **photograph, video, or digital image;**
6 **commits invasion of privacy by photography, a Class A**
7 **misdemeanor. However, the offense is a Class D felony if the**
8 **person knowingly or intentionally publishes the photograph, video,**
9 **or digital image or otherwise knowingly or intentionally transmits**
10 **or disseminates the photograph, video, or digital image to another**
11 **person.**

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